

REMARKS

Claims 1-108 are now pending in the application. Applicant encloses herewith a Declaration under 37 C.F.R. § 1.131 stating that the present invention was conceived and reduced to practice in the United States prior to the effective priority date of Lesea (U.S. Pat. No. 6,946,870). The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the Declaration and remarks contained herein and the Request for Continued Examination (RCE) filed herewith.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 5, 6, 8, 10, 14, 18, 19, 21, and 23 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Lesea (U.S. Pat. No. 6,946,870). This rejection is respectfully traversed.

With respect to Claim 1, the Examiner asserted that the Declaration under 37 C.F.R. § 1.131, provided with the Response submitted on November 10, 2008 was insufficient (Advisory Action dated November 26, 2008). Applicant has therefore provided a new Declaration under 37 C.F.R. § 1.131 that distinctly points out portions of Exhibit B that correspond to elements of Claim 1.

Applicant encloses herewith the new Declaration under 37 C.F.R. § 1.131 and associated evidence stating that the present invention was conceived in this country prior to October 21, 2003, the U.S. filing date and effective §102(e) date of Lesea. Therefore, Lesea is not a valid prior art reference for the presently pending claims.

Claim 1 is therefore allowable for at least this reason. Claims 14, 27, 37, 48, 59, 65, 78, 91 and 100 recite at least similar subject matter as Claim 1 and are allowable for

at least similar reasons. Claims 2-13, 15-26, 28-36, 38-47, 49-58, 60-64, 66-77, 79-90, 92-99 and 101-108 ultimately depend from Claims 1, 14, 27, 37, 48, 59, 65, 78, 91 and 100 and are therefore allowable for at least similar reasons.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-5, 8-18, 21-33, 36-40, 42-51, 53-62, 64, 91-94, and 96-103 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cranford (U.S. Pat. No. 6,717,997) in view of Lesea.

Claims 65-70, 72-83, and 85-90 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cranford in view of Lesea and Bishop (US 2005/0135299).

Claims 4 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lesea in view of Watannable (US 2003/0197498).

Claims 7, 20, 34, 95, and 104 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cranford in view of Lesea and Ishikawa (U.S. Pat. No. 5,610,911).

Claims 71 and 84 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cranford in view of Lesea, Bishop, and Ishikawa. These rejections are respectfully traversed.

With respect to Claim 7, the Examiner asserted that the prior Declaration under 37 C.F.R. § 1.131 did not show, among other things, a phase locked loop. Applicant respectfully points out that Claim 7 depends from Claim 1 and is rejected over a combination of references, namely Cranford, Lesea and Ishikawa. Therefore, antedating one of the references is sufficient to overcome the rejection. According to MPEP § 715.02 I:

Applicant may overcome a 35 U.S.C. 103 rejection based on a combination of references by showing completion of the invention by applicant prior to the effective date of any of the references; applicant need not antedate the reference with the earliest filing date.

The Examiner provides Cranford and Ishikawa to show features of Claim 7, namely the phase locked loop, and provides Lesea to show features of Claim 1 that are included in Claim 7 by way of dependency. Claim 7 is therefore allowable for at least similar reasons as Claim 1.

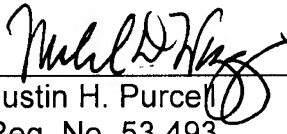
Applicant has antedated, and therefore overcome Lesea with respect to Claim 1, and to the extent that Claims 1-108 are rejected over a combination of references, including Lesea, Applicant has therefore overcome the rejections thereto by overcoming Lesea.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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